APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,708	12/14/1999	MICHAEL ZIRNGIBL	53470.000016	2858

29315   7590   07/29/2003

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ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____3____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *14 Dec 1999* _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-5 and 9-45* _____ is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5 and 9-45* _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some* c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). *2,3,5*

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

DETAILED ACTION

1.   Claims 1-5, 9-45, and 36-44 (repeated at end of claims) have been examined.

Claim Objections

2.   The numbering of claims is not in accordance with 37 C.F.R. 1.126 which
requires the original numbering of the claims to be preserved throughout the
prosecution. When claims are canceled, the remaining claims must not be renumbered.
When new claims are presented, they must be numbered consecutively beginning with
the number next following the highest numbered claims previously presented (whether
entered or not).

3.   Note that claims 6-8 are apparently missing. It is unknown whether this is simply
a numbering problem or whether the claims are actually missing for some reason.
Furthermore, claims 36-44 are repeated after claim 45. It is unknown whether this is a
very large "cut-and-paste" typo or whether some other mistake was made. Examiner will
simply address the claims sequentially as they were filed and give applicant an
opportunity to correct the errors.

Claim Rejections - 35 U.S.C. § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-5, 9-45, and 36-44 (repeated at end of claims) are rejected under 35 U.S.C. §102(b) as being anticipated by Emnett, Keith, *Synthetic Audio Newscast*, The MIT Media Laboratory, December 1998, pp. 1-2.

Claim 1

Claim 1's "service processing means for processing at least one **scheduled service** against a database, each service comprising at least one query to be performed against the data;" is anticipated by Emnett, K. et al, second page, first column, last paragraph, where it recites: "**At the end of the day, these preferences are used to create a synthetic newscast.**" Furthermore, it is also anticipated by Emnett, K. et al, second page, first column, first paragraph, where it recites: "A second, telephone-based interface to the same functions is provided through the existing Phoneshell touch-tone driven application." Inherent to the Phoneshell application is a *queried database*.

Claim 1's "**subscription means** for enabling one or more subscribers to subscribe to receive output from one or more of the services; and;" is anticipated by Emnett, K. et al, second page, second column, first paragraph, where it recites:

"For more timely delivery, the system can forward news as received by extracting and presenting only those stories of special interest in each hourly broadcast. Delivery

may be to the desktop or to mobile
subscribers." (Emphasis added.)

Claim 1's "audible output forwarding means for **automatically forwarding audible output** from the services to one or more subscriber output devices specified for that service by the subscriber." is anticipated by Emnett, K. et al, second page, second column, first paragraph, where it recites:

"A news daemon running on the desktop computer can monitor when a user has been away for a while, and then **begin playing any new stories when the user returns**."

Claim 2

Claim 2's "2. The server system of claim 1 wherein the service comprises an alert service and wherein the output forwarding means automatically forwards audible output from **an alert service only when one or more alert criteria are satisfied**." is anticipated by Emnett, K. et al, second page, second column, first paragraph, where it recites:

"A news daemon running on the desktop computer <u>can monitor when a user has been away for a while, and then **begin playing any new stories when the user returns**</u>." (Emphasis added.)

Claim 3

Claim 3's "3. The server system of claim 1 wherein the service comprises a scheduled service and wherein the audible output **forwarding means** automatically forwards audible output from a scheduled service each time the schedule service is

processed" is anticipated by Emnett, K. et al, second page, second column, first

paragraph, where it recites:

> "For more timely delivery, the system can forward news as received by extracting and presenting only those stories of special interest in each hourly broadcast. Delivery may be to the desktop or to mobile subscribers." (Emphasis added.)

Claim 4

Claim 4's "4. The server system of claim 1 wherein the server system stores one

or more services for processing and wherein the subscription means enables

subscribes to subscribe to one or more services from the list." is anticipated by Emnett,

K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can forward news as received by extracting and presenting only those stories of special interest in each hourly broadcast. Delivery may be to the desktop or to mobile subscribers." (Emphasis added.)

Claim 5

Claim 5's "5. The server system of claim 4 wherein the subscription means

enables specifying subscribers to a service by a dynamic recipient list and further

comprising dynamic recipient list resolution means for resolving the subscribers in the

dynamic recipient list and providing that list of subscribers to the audible output

forwarding means." is anticipated by Emnett, K. et al, second page, second column, first

paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the desktop or to mobile
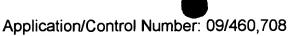> **subscribers**." (Emphasis added.)

Claim 9

Claim 9's "9. The server system of claim 1 wherein the audible output forwarding

means forwards the output to a two-way communication device." is anticipated by

Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> **forward** news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the **desktop** or to mobile
> **subscribers**." (Emphasis added.)

Claim 10

Claim 10's "10. The server system of claim 9 wherein the two-way

communication device comprises a telephone." is anticipated by Emnett, K. et al,

second page, first column, first paragraph, where it recites: "A second, **telephone-**

based interface to the same functions is provided through the existing Phoneshell

touch-tone driven application." Inherent to the Phoneshell application is a *queried*

database.

Claim 11

Claim 11's "11. The server system of claim 1, further comprising personalization

means for enabling users to personalize the one or more services." is anticipated by

Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those **stories of special
> interest** in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 12

Claim 12's "12. The server system of claim 1 further comprising output formatting

means for formatting the audible service output according to styles specified for each

user output device specified to receive that service output." is anticipated by Emnett, K.

et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 13

Claim 13's "13. The server system of claim 1 wherein the data query system

comprises an OLAP system." Examiner interprets "OLAP" to mean the common phrase

"On-Line Analytical Processing". Accordingly, "OLAP" is anticipated by Emnett, K. et al,

second page, first column, first paragraph, where it recites: "A second, telephone-based

interface to the same functions is provided through the existing Phoneshell touch-tone

driven application." Inherent to the Phoneshell application is a *queried database* and

"OLAP" is *inherent* to the database operations used by Phoneshell.

Claim 14

Claim 14's "14. The server system of claim 1 further comprising **personalization**

input means for enabling a subscriber to a service to specify personalized information

to be applied to the output of the service for that particular subscriber" is anticipated by

Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those **stories of special**
> **interest** in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers**." (Emphasis added.)

Claim 15

Claim 15's "15. The server system of claim 14, wherein subscribers specifies

personalization information for multiple user output devices of that particular

subscriber and wherein the service processing system applies the personalization

information for each user output device for the subscriber to generate an audible service

output for each user output device for that subscriber." is anticipated by Emnett, K. et al,

second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and

> presenting only those **stories of special
> interest** in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers**." (Emphasis added.)

Claim 16

Claim 16's "enabling users to subscribe to one or more services, each service comprising at least one query to be performed by the data query system;" is anticipated by Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers**." (Emphasis added.)

Claim 16's "processing the one or more services for the users; and forwarding audible service output automatically to one or more subscriber output devices specified for that service." is anticipated by Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> **forward news** as received by extracting
> and presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers**." (Emphasis added.)

Claim 17

Claim 17's "17. The method of claim 16, further comprising the step of enabling

users to personalize the services to which the users subscribe." is anticipated by

Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by **extracting
> and presenting only those stories of
> special interest** in each hourly broadcast.
> Delivery may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 18

Claim 18's "18. The method of claim 16, wherein the service comprises an alert

service and wherein the forwarding step involves forwarding output from an alert service

only when one or more alert criteria are satisfied." is anticipated by Emnett, K. et al,

second page, second column, first paragraph, where it recites:

> "A news daemon running on the desktop
> computer can monitor when a user has been
> away for a while, and then **begin playing
> any new stories when the user returns.**"
> (Emphasis added.)

Claim 19

Claim 19's "19. The method of claim 16 wherein the service comprises a

scheduled service and wherein the forwarding step involves forwarding output from a

scheduled service each time the schedule service is processed." is anticipated by

Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 20

Claim 20's "20. The method of claim 16 wherein the step of forwarding comprises

the step of forwarding output from the service to an output device selected from the

group consisting of electronic mailbox, facsimile, printer, mobile phone, telephone, PDA,

and pager." is anticipated by Emnett, K. et al, second page, second column, first

paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 21

Claim 21's "21. The method of claim 16 further comprising the step of formatting

the service output according to styles specified for each user output device specified to

receive that service output." is anticipated by Emnett, K. et al, second page, second

column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those **stories of special
> interest** in each hourly broadcast. Delivery

may be to the desktop or to mobile
subscribers." (Emphasis added.)

Claim 22

Claim 22's "22. A medium having processor readable program code embodied

therein for generating audible output from a data query system to user output devices,

the processor readable code in the medium comprising:

Claim 22's "code for causing a processor to process at least one scheduled

service in an on-line analytical processing system and generating a service output, each

service comprising at least one query to be performed by the data query system; and" is

anticipated by Emnett, K. et al, second page, first column, last paragraph, where it

recites: "**At the end of the day, these preferences are used to create a synthetic**

newscast." Furthermore, it is also anticipated by Emnett, K. et al, second page, first

column, first paragraph, where it recites: "A second, telephone-based interface to the

same functions is provided through the existing Phoneshell touch-tone driven

application." Inherent to the Phoneshell application is a *queried database.*

Claim 22's "code for causing a processor to **forward** audible service output to the

one or more **subscribers** at a user communications devices specified for that service."

is anticipated by Emnett, K. et al, second page, second column, first paragraph, where it

recites:

"For more timely delivery, the system can
forward news as received by extracting and
presenting only those stories of special
interest in each hourly broadcast. Delivery
may be to the desktop or to mobile
subscribers." (Emphasis added.)

Claim 23

Claim 23's "23. The medium of claim 22 further comprising code for causing a

processor to format the audible service output according to styles specified for each

user output device specified to receive that service output." is anticipated by Emnett, K.

et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> **forward news** as received by extracting and
> presenting only those **stories of special**
> **interest** in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers**." (Emphasis added.)

Claim 24

Claim 24's "24. The medium of claim 22 further comprising code for causing a

processor to enable administrator control over the processing and forwarding of

services." is anticipated by Emnett, K. et al, second page, first column, first paragraph,

where it recites: "A second, telephone-based interface to the same functions is provided

through the existing Phoneshell touch-tone driven application." Inherent to the

Phoneshell application is a *queried database*. Since it is a server, system administration

is inherent for the sake of maintenance, security and administration.

Claim 25

Claim 25's "service processing means for processing at least one scheduled

service in an online analytical processing system, each service comprising at least one

query to be performed based on data in the database; and" is anticipated by Emnett, K. et al, second page, first column, last paragraph, where it recites: **"At the end of the day, these preferences are used to create a synthetic newscast."** Furthermore, it is also anticipated by Emnett, K. et al, second page, first column, first paragraph, where it recites: "A second, telephone-based interface to the same functions is provided through the existing Phoneshell touch-tone driven application." Inherent to the Phoneshell application is a *queried database*.

Claim 25's "output forwarding means for automatically forwarding audible output from the services to one or more subscriber output devices specified for that service to a two-way interactive communication device." is anticipated by Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "A news daemon running on the desktop
> computer can monitor when a user has been
> away for a while, and then **begin playing
> any new stories when the user returns.**"
> (Emphasis added.)

Claim 26

Claim 26's "26. The system of claim 25 wherein the service comprises an alert service and wherein the output forwarding means automatically forwards output from an alert service only when one or more alert criteria are satisfied." is anticipated by Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "A news daemon running on the desktop
> computer can monitor when a user has been

> away for a while, and then **begin playing
> any new stories when the user returns.**"
> (Emphasis added.)

Claim 27

Claim 27's "27. The system of claim 25 wherein the service comprises a

scheduled service and wherein the output forwarding means automatically forwards

output from a scheduled service each time the schedule service is processed." is

anticipated by Emnett, K. et al, second page, second column, first paragraph, where it

recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 28

Claim 28's "28. The system of claim 26, further comprising personalization

means for enabling users to personalize the one or more services." is anticipated by

Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting **only those stories of special
> interest** in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 29

Claim 29's "29. The system of claim 25 further comprising output formatting means for formatting the audible service output according to styles specified for each user output device specified to receive that service output.

Claim 30

Claim 30's "enabling users to subscribe to one or more services, each service comprising at least one query to be performed on the database;" is anticipated by Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers**." (Emphasis added.)

Claim 30's "processing the one or more services for the users; and forwarding service output automatically to one or more subscriber two-way communications devices specified for that service." is anticipated by Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the **desktop** or to mobile
> **subscribers**." (Emphasis added.)

Claim 31

Claim 31's "31. The method of claim 30, further comprising the step of enabling

users to **personalize the services** to which the users **subscribe**." is anticipated by

Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those **stories of special
> interest** in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers**." (Emphasis added.)

Claim 32

Claim 32's "32. The method of claim 30, wherein the service comprises an alert

service and wherein the forwarding step involves forwarding output from an alert service

only when one or more alert criteria are satisfied." is anticipated by Emnett, K. et al,

second page, second column, first paragraph, where it recites:

> "A news daemon running on the desktop
> computer can monitor when a user has been
> away for a while, and then **begin playing
> any new stories when the user returns**."
> (Emphasis added.)

Claim 33

Claim 33's "33. The method of claim 30 wherein the service comprises a

scheduled service and wherein the forwarding step involves forwarding output from a

scheduled service each time the schedule service is processed." is anticipated by

Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> **forward** news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers**." (Emphasis added.)

Claim 34

Claim 34's "34. The method of claim 30 further comprising the step of formatting the service output according to styles specified for each user output device specified to receive that service output." is anticipated by Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those **stories of special
> interest** in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers**." (Emphasis added.)

Claim 35

Claim 35's "service processing means for processing at least one scheduled service by a data query system, each service comprising at least one query to be performed against the database;" is anticipated by Emnett, K. et al, second page, first column, last paragraph, where it recites: "**At the end of the day, these preferences are used to create a synthetic newscast**." Furthermore, it is also anticipated by Emnett, K. et al, second page, first column, first paragraph, where it recites: "A second, telephone-based interface to the same functions is provided through the existing

Phoneshell touch-tone driven application." Inherent to the Phoneshell application is a

queried database.

Claim 35's "subscription means for enabling one or more subscribers to

subscribe to receive output from one or more of the services and to receive the output

as an audible output or a visual output; and" is anticipated by Emnett, K. et al, second

page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 35's "output forwarding means for automatically forwarding output from the

services to one or more subscriber output devices specified for that service by the

subscriber in either audible or visual output as selected by the subscriber." is anticipated

by Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "A news daemon running on the desktop
> computer can monitor when a user has been
> away for a while, and then **begin playing
> any new stories when the user returns.**"
> (Emphasis added.)

Claim 36

Claim 36's "36. The server system of claim 35 wherein the service comprises an

alert service and wherein the output forwarding means automatically forwards output

from an alert service only when one or more alert criteria are satisfied." is anticipated by

Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "A news daemon running on the desktop
> computer can monitor when a user has been
> away for a while, and then **begin playing
> any new stories when the user returns.**"
> (Emphasis added.)

Claim 37

Claim 37's "37. The server system of claim 35 wherein the service comprises a

schedule service and wherein the output forwarding means automatically forwards

output from a scheduled service each time the schedule service is processed." is

anticipated by Emnett, K. et al, second page, second column, first paragraph, where it

recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 38

Claim 38's "38. The server system of claim 35 wherein the subscriber selects to

receive audible output at a two-way communication device." is anticipated by Emnett, K.

et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special

> interest in each hourly broadcast. Delivery
> may be to the **desktop** or to mobile
> **subscribers**." (Emphasis added.)

Claim 39

Claim 39's "39. The server system of claim 38 wherein the two-way

communication device comprises a telephone." is anticipated by Emnett, K. et al,

second page, first column, first paragraph, where it recites: "A second, **telephone-**

based interface to the same functions is provided through the existing Phoneshell

touch-tone driven application." Inherent to the Phoneshell application is a *queried*

database.

Claim 40

Claim 40's "40. The server system of claim 35, further comprising personalization

means for enabling users to personalize the one or more services." is anticipated by

Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> **presenting only those stories of special**
> **interest** in each hourly broadcast. Delivery
> may be to the **desktop** or to mobile
> **subscribers**." (Emphasis added.)

Claim 41

Claim 41's "41. The server system of claim 35 further comprising output

formatting means for formatting the service output according to styles specified for each

user output device specified to receive that service output." is anticipated by Emnett, K.

et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the **desktop** or to mobile
> **subscribers**." (Emphasis added.)

Claim 42

Claim 42's "42. The server system of claim 35 wherein the data query system

comprises an OLAP system." Examiner interprets "OLAP" to mean the common phrase

"On-Line Analytical Processing". Accordingly, "OLAP" is anticipated by Emnett, K. et al,

second page, first column, first paragraph, where it recites: "A second, telephone-based

interface to the same functions is provided through the existing Phoneshell touch-tone

driven application." Inherent to the Phoneshell application is a *queried database* and

"OLAP" is *inherent* to the database operations used by Phoneshell.

Claim 43

Claim 43's "43. The server system of claim 35 further comprising personalization

input means for enabling a subscriber to a service to specify personalized information to

be applied to the output of the service for that particular subscriber." is anticipated by

Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and

> presenting only those **stories of special
> interest** in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 44

Claim 44's "44. The server system of claim 43, wherein subscribers specifies

personalization information for multiple user output devices of that particular subscriber

and wherein the service processing system applies the personalization information for

each user output device for the subscriber to generate a service output for each user

output device for that subscriber." is anticipated by Emnett, K. et al, second page,

second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those **stories of special
> interest** in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 45

Claim 45's "service processing means for processing at least one scheduled

service by a data query system, each service comprising at least one query to be

performed against the database;" is anticipated by Emnett, K. et al, second page, first

column, last paragraph, where it recites: "**At the end of the day, these preferences

are used to create a synthetic newscast.**" Furthermore, it is also anticipated by

Emnett, K. et al, second page, first column, first paragraph, where it recites: "A second,

telephone-based interface to the same functions is provided through the existing

Phoneshell touch-tone driven application." Inherent to the Phoneshell application is a

queried database.

Claim 45's "subscription means for enabling one or more subscribers to

subscribe to receive output from one or more of the services and to receive the output

as an audible output or a visual output; and" is anticipated by Emnett, K. et al, second

page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 45's "output forwarding means for automatically forwarding output from the

services to one or more subscriber output devices specified for that service by the

subscriber in either audible or visual output as selected by the subscriber." is anticipated

by Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "A news daemon running on the desktop
> computer can monitor when a user has been
> away for a while, and then **begin playing
> any new stories when the user returns.**"
> (Emphasis added.)

Claim 36

Claim 36's "36. The server system of claim 35 wherein the service comprises an

alert service and wherein the output forwarding means automatically forwards output

from an alert service only when one or more alert criteria are satisfied." is anticipated by

Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "A news daemon running on the desktop
> computer can monitor when a user has been
> away for a while, and then **begin playing**
> **any new stories when the user returns.**"
> (Emphasis added.)

Claim 37

Claim 37's "37. The server system of claim 35 wherein the service comprises a

scheduled service and wherein the output forwarding means automatically forwards

output from a scheduled service each time the schedule service is processed." is

anticipated by Emnett, K. et al, second page, second column, first paragraph, where it

recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 38

Claim 38's "38. The server system of claim 35 wherein the subscriber selects to

receive audible output at a two-way communication device." is anticipated by Emnett, K.

et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special

> interest in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 39

Claim 39's "39. The server system of claim 38 wherein the two-way

communication device comprises a telephone." is anticipated by Emnett, K. et al,

second page, first column, first paragraph, where it recites: "A second, **telephone-**

based interface to the same functions is provided through the existing Phoneshell

touch-tone driven application." Inherent to the Phoneshell application is a *queried*

database.

Claim 40

Claim 40's "40. The server system of claim 35, further comprising personalization

means for enabling users to personalize the one or more services." is anticipated by

Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting **only those stories of special**
> **interest** in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 41

Claim 41's "41. The server system of claim 35 further comprising output

formatting means for formatting the service output according to styles specified for each

user output device specified to receive that service output." is anticipated by Emnett, K.

et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting **only those stories of special
> interest** in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers**." (Emphasis added.)

Claim 42

Claim 42's "42. The server system of claim 35 wherein the data query system

comprises an OLAP system." Examiner interprets "OLAP" to mean the common phrase

"On-Line Analytical Processing". Accordingly, "OLAP" is anticipated by Emnett, K. et al,

second page, first column, first paragraph, where it recites: "A second, telephone-based

interface to the same functions is provided through the existing Phoneshell touch-tone

driven application." Inherent to the Phoneshell application is a *queried database* and

"OLAP" is *inherent* to the database operations used by Phoneshell.

Claim 43

Claim 43's "43. The server system of claim 35 further comprising personalization

input means for enabling a subscriber to a service to specify personalized information to

be applied to the output of the service for that particular subscriber." is anticipated by

Emnett, K. et al, second page, second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and

> presenting **only those stories of special
> interest** in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Claim 44

Claim 44's "44. The server system of claim 43, wherein subscribers specifies

personalization information for multiple user output devices of that particular subscriber

and wherein the service processing system applies the personalization information for

each user output device for the subscriber to generate a service output for each user

output device for that subscriber." is anticipated by Emnett, K. et al, second page,

second column, first paragraph, where it recites:

> "For more timely delivery, the system can
> forward news as received by extracting and
> presenting only those stories of special
> interest in each hourly broadcast. Delivery
> may be to the desktop or to mobile
> **subscribers.**" (Emphasis added.)

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

A.   Schmandt, Chris, *Phoneshell: the Telephone as Computer Terminal*,

Proceedings of ACM Multimedia '93, pp.373-382, New York, August, 1993.

B.   Roy, D. et al, *NewsComm: a hand-held interface for interactive access to structured audio*, CHI '96 Conference Proceedings, Vancouver, Canada, pp. 173-180, April 1996.

C.   Roy, D., *NewsComm: A Hand-Held Device for Interactive Access to Structured Audio*. Masters thesis, MIT Media Laboratory, 1995.

D.   Emnett, K. et al, *Synthetic News Radio*, IBM Systems Journal, Vol. 39 Nos. 3-4, pp. 646-659, 2000.

E.   Yost et al. (U.S. Patent Number 6,154,766; dated 11/28/2000; class 709; subclass 201) discloses a system and method for automatic transmission of personalized OLAP report output.

F.   Yost et al. (U.S. Patent Number 6,260,050 B1; dated 07/10/2001; class 715; subclass 501.1) discloses a system and method of adapting automatic output of service related OLAP reports to disparate output devices.

G.   Yost et al. (U.S. Patent Number 6,269,393 B1; dated 07/31/2001; class 709; subclass 201) discloses a system and method for automatic transmission of personalized OLAP report output.

7.   Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Wilbert L. Starks, Jr. whose telephone number is (703)

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24 July 2003

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